

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

WARREN MCCOWAN

Plaintiff,

v.

No. 17-cv-00902-CG-GJF

THE CITY OF LAS CRUCES, NEW MEXICO  
A/K/A LAS CRUCES POLICE DEPARTMENT  
and MARK MORALES

Defendants.

**PLAINTIFF'S RESPONSES TO DEFENDANTS REQUEST FOR PRODUCTION**

COMES NOW **WARREN MCCOWAN**, Plaintiff in the above entitled and numbered cause and files this his Response to Request for Production as propounded to him by Defendants, in numerical order as follows:

**REQUEST FOR PRODUCTION NO. 1:** Please identify and produce any documents, whether electronically maintained or in hard copy, which were used, referenced in, described in, discussed in, or relied upon in any way in the drafting of your Complaint. This Request specifically includes the documents from which you derived the principal or material facts underlying the allegations made in your Complaint.

**RESPONSE:** Please see all items set forth in Plaintiff's Supplemental Exhibit List of August 1, 2018.

**REQUEST FOR PRODUCTION NO. 2:** Please identify and produce any documents, whether electronically maintained or in hard copy, including, but not limited to, correspondence (written or electronic), reports, notes, memos, summaries, statements, diary or journal entries, diagrams, photographs, video recordings, audio recordings or motion pictures that depict or describe any aspect of the incident(s) described in your Complaint, or which otherwise relate to the claims and allegations raised in your Complaint or the damages and relief you are claiming/requesting in this lawsuit. You may exclude any privileged communications between yourself and your attorneys or their staff/employees.

**RESPONSE:** Please see all items set forth in Plaintiff's Supplemental Exhibit List of August 1, 2018.

your claims for punitive damages.

**RESPONSE:** Please see all items set forth in Plaintiff's Supplemental Exhibit List of August 1, 2018.

**REQUEST FOR PRODUCTION NO. 19:** Please produce copies of all emails, text messages or other communications/correspondence sent by you to or received from any other person, apart from your attorneys and their staff/employees, regarding the incidents which make up the subject matter of this lawsuit, claims raised in your Complaint, or the damages and relief you are claiming/requesting.

**RESPONSE:** None in Plaintiff's possession.

**REQUEST FOR PRODUCTION NO. 20:** Please produce any documents not already produced that you used, described, referenced or relied upon in responding to *Defendant Las Cruces Police Department's First Set of Interrogatories to Plaintiff* or *Defendant Las Cruces Police Department's First Set of Requests for Admissions to Plaintiff*.

**RESPONSE:** Please see all items set forth in Plaintiff's Supplemental Exhibit List of August 1, 2018.

**REQUEST FOR PRODUCTION NO. 21:** Please execute the attached Release for the release of your employment records.

**RESPONSE:** Please see attached executed authorization.

**REQUEST FOR PRODUCTION NO. 22:** Please produce your tax returns for the past five years (i.e. for tax years 2013, 2014, 2015, 2016, and 2017).

**RESPONSE:** None in Plaintiff's possession.

**REQUEST FOR PRODUCTION NO. 23:** Please produce any application you have filed for disability benefits (together with all supporting documentation) with the United States Social Security Administration, New Mexico Disability Determination Services, United States Department of Veteran Affairs or any other government agency seeking disability benefits at any time.

**RESPONSE:** Discovery is ongoing, will supplement.

**REQUEST FOR PRODUCTION NO. 24:** Please produce copies of all postings and messages (including all status updates, messages, photographs or video, wall comments, causes joined, groups joined, activity streams, blog entries, and other social network applications), which refer or relate to the incidents which make up the subject matter of this lawsuit, claims raised in your Complaint, or the damages and relief you are claiming/requesting, posted by you or by anyone acting on your behalf on any social media account, website or service (including Facebook,

Twitter, YouTube, Tumblr, Instagram, Snapchat or any other social media/social-networking website, service or account).

**RESPONSE:** None In Plaintiff's possession.

**REQUEST FOR PRODUCTION NO. 25:** Please identify and produce any documents which refer to, relate to, or are associated with any claim or defense made in this lawsuit not otherwise requested herein.

**RESPONSE:** Please see all items set forth in Plaintiff's Supplemental Exhibit List of August 1, 2018.

Respectfully submitted,

**FLORES, TAWNEY & ACOSTA P.C.**

/s/ James D. Tawney  
**JAMES D. TAWNEY**  
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*ATTORNEY FOR PLAINTIFF*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of August, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to the following as well as all others on the CM/ECF service list:

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*Attorney for Defendants City of Las Cruces and Mark Morales*

/s/ James D. Tawney  
**JAMES D. TAWNEY**